November 17, 2021

# INFORMATION REPORT

## Niagara Escarpment Commission Technical Criteria

## for Vegetation Protection Plans and Landscape Plans

### CONTEXT

The Draft Technical Criteria for Vegetation Protection Plans and the Draft Technical Criteria for Landscape Plans are guidance documents that provide helpful information for applicants and their consultants on best management practices and minimum requirements for the preparation of submissions.

The draft technical criteria documents were approved by the Niagara Escarpment Commission (NEC) in May 2021 and staff were directed to undertake targeted consultation with key stakeholders and municipalities within the Plan area.

This report provides a brief synopsis of the consultation feedback and an update on the status of revisions to the technical criteria.

## BACKGROUND

Consultation was undertaken in September 2021. The draft technical criteria were posted to the NEC website and circulated to partner municipalities and agencies, relevant professional organizations, and various qualified professionals. Comments were received through an online comment form and by email. 19 sets of comments were received on the Draft Technical Criteria for Vegetation Protection Plans and 16 sets of comments were received on the Draft Technical Criteria for Landscape Plans.

Comments generally supported the technical criteria and described the documents as relevant, comprehensive, and helpful to applicants. There were some suggestions on ways to improve clarity and achieve greater consistency with municipal and agency requirements.

## NEXT STEPS

In response to comments received, minor changes will be made to improve the clarity and consistency of the technical criteria while maintaining the overall intent. Document edits and review are underway with an aim to return to the Commission with the final technical criteria for approval in the spring of 2022.

## RECOMMENDATIONS

That the Niagara Escarpment Commission:

1. Receive this staff report for information.

## Prepared by:

Original signed by:

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Landscape Architect

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## \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Kim Peters, MCIP, RPP

Manager

Attachment 1 – Draft Technical Criteria for Vegetation Protection Plans, Draft May 19, 2021

Attachment 2 – Draft Technical Criteria for Landscape Plans, Draft May 19, 2021

**ATTACHMENT 1**

**Technical Criteria**

**for**

**Vegetation Protection Plans**

**DRAFT**

**May 19, 2021**

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1. **PURPOSE OF THE TECHNICAL CRITERIA**

This document outlines key expectations for vegetation protection and minimum requirements for Vegetation Protection Plan (VPP) submissions.

The Niagara Escarpment Plan (NEP) [[1]](#footnote-1) provides for the development of guidance material and technical criteria to assist the Niagara Escarpment Commission (NEC) with implementing the policies of the Plan. These documents are intended to support but not add to or detract from the policies of the Plan[[2]](#footnote-2).

This version of the Technical Criteria for Vegetation Protection Plans was approved by the Niagara Escarpment Commission on DATE, YEAR. The NEC will, from time to time, update the Technical Criteria for Vegetation Protection Plans to reflect current technology, provide clarification, or refine the processes. The revision date will be noted at the beginning of the document and the most current version will be available for download from the NEC website at [www.escarpment.org](http://www.escarpment.org).

1. **BACKGROUND**

A Vegetation Protection Plan (VPP) is a technical plan that identifies existing vegetation that may be impacted by development and provides practical methods for vegetation protection and the mitigation of development impacts. A VPP is intended to:

* Demonstrate conformity to NEP policies that protect natural heritage and scenery
* Meet the requirements of any applicable municipal by-laws or other agencies’ policies (e.g., conservation authorities) including where more stringent policies are in place
* Implement recommendations of related natural heritage evaluations or environmental impact studies (EIS)

The NEP and the *Niagara Escarpment Planning and Development Act* (NEPDA)[[3]](#footnote-3) require the protection of natural heritage features and functions, and the preservation of natural scenery. Further policy context is provided in Appendix A.

Where it is anticipated that proposed development may impact existing vegetation, the NEC, as the implementing authority of the NEP, may require a VPP for applications such as:

* NEC Development Permit Applications - prior to NEC decision on an application or as a Condition of Approval to be completed for the issuance of a permit, depending on the significance of potential impacts
* Niagara Escarpment Plan Amendments
* Niagara Parks and Open Space System (NEPOSS) Master Plans
* Municipal approvals under the *Planning Act* or other processes (e.g., environmental assessments)
* Other applications under provincial or federal legislation (e.g., telecommunications tower) where the NEC is a commenting agency

Where it is determined that the proposed development may result in significant negative impacts to natural heritage features and functions, a VPP may be proposed in conjunction with a natural heritage evaluation or environmental impact study (EIS). The need for an EIS will be determined by the NEC in conjunction with other agencies (e.g., municipalities, conservation authorities). The VPP shall not duplicate the work of the EIS but shall support implementation of the EIS recommendations for mitigating impact on vegetation.

1. **EXPERTISE**

A VPP shall be completed by a qualified professional with expertise in vegetation inventory, assessment, tree care, and maintenance. Qualified professionals include Arborists (ISA, ASCA), Landscape Architects (OALA), Registered Professional Foresters (OPFA), and Ecologists. Applicants are advised to select a professional with expertise appropriate to the scope of work and the nature of the vegetation to be protected.

1. **SCOPE OF WORK**

**4.1 Area of Consideration**

The area of consideration for the VPP includes the entire development envelope (area of site disturbance) and a prescribed area extending beyond the development envelope called the zone of impact, where applicable. Vegetation on adjacent properties may be included in the VPP where there is the potential for impact to occur.

NEC staff, in consultation with other regulatory agencies (e.g., conservation authorities, municipalities) will provide direction on the area of consideration. The qualified professional shall prepare a terms of reference (TOR) for NEC review and approval for applications where the inventory, assessment, and protection circumstances are complex.

**4.2 Vegetation Inventory and Assessment**

The VPP shall include identification of woody and herbaceous Species at Risk in Ontario (SARO). Where found and potentially impacted by development, requirements under the *Endangered Species Act* may apply. Identification of SARO may necessitate additional study and/or changes to the site plan.

Unless otherwise specified, the VPP shall include an inventory and assessment of existing vegetation within the area of consideration. Existing vegetation includes trees, tree stands, and other woody and herbaceous vegetation associated with woodlands, hedgerows, wetlands, and other natural areas. The inventory and assessment shall include:

1. Vegetation units:
   * Size and location of the vegetation unit in square metres or hectares
   * Site conditions (e.g., slopes, soils, drainage)
   * Structure/stratification (e.g. canopy, sub-canopy, understorey, groundcover) and associated species composition, height, and density, including identification of any invasive species and Species at Risk
   * Crown density
   * Condition (e.g., health, hazard trees, habitat features)
   * Capacity of the vegetation unit to withstand impacts
   * Opportunities for habitat creation (e.g., snags, logs)
2. Trees ≥ 150 mm DBH:
   * Location
   * Species (botanical and common names)
   * Diameter at breast height (DBH)
   * Crown diameter
   * Condition (e.g., health, structure, form, age/significance)
   * Recommended action (e.g., protect, remove, prune)

**4.3** Vegetation Protection Measures

The VPP will include identification of appropriate vegetation protection measures to prevent physical injury to vegetation and changes to growing conditions that may result from proposed development.

Physical injuries to the trunk, bark, crown and roots of a tree are permanent and can be fatal. Root cutting can result in trees becoming destabilized or falling over, which may cause damage to buildings, personal property, and other vegetation. Soil compaction or adding fill in the root zone deprives tree roots of oxygen and water and can lead to tree decline. Removal of edge vegetation can leave interior vegetation exposed to the elements. Site grading can alter drainage patterns that affect moisture regimes in vegetated areas.

Establishing a ‘no-go’ zone is necessary to prevent physical harm to the trunk, canopy, and root zone of a tree or other vegetation which may result from construction, site alteration or demolition activities. Within this zone there shall be no construction; no altering of grade by adding fill, excavating, trenching, scraping, dumping or disturbance of any kind; no storage of construction materials, equipment, soil, construction waste or debris; no disposal of any liquids (e.g., concrete, gas, oil, paint); and no parking of vehicles or machinery.

Tree protection fencing shall be provided in a continuous manner at or outside the dripline of existing vegetation to be retained or at the limit of work (development envelope). Types of tree protection fencing include:

* Light duty tree protection fence (most applications) - 1.2 m high plastic construction fence (or equivalent) attached to 1.2 m high steel T-bars installed at 2.4 m on centre.
* Heavy duty tree protection fence (for constrained spaces where heavy machinery is operating in close proximity to the protection zone) - 1.2 m high page wire fence (or equivalent) attached to 2.4 m high square wood posts or steel T-bars installed at 2.4 m on centre and reinforced at all corners.
* Solid hoarding (for constrained spaces where heavy machinery is operating in close proximity to the protection zone) - 12 mm x 1.2 m x 2.4 m (4’ x 8’) plywood boards secured firmly to 1.2 m high wood posts/T-bar supports installed at 2.4 m on centre with 38 mm x 89 mm (2’ x 4’) top and bottom rails.
* Other protection barriers may be accepted where subsurface conditions (rock) prevent the installation of T-bars or posts and/or where fence installation may cause more damage to the environment. Alternates include straw bales, jersey barriers, and self-supporting fencing.

Tree protection fencing shall be installed before any construction starts and shall remain in good condition throughout construction. Where applicable, sediment control fencing may be attached to the tree protection fence. Any other tree protection measures proposed (e.g., limb and root pruning, watering, application of mulch, signage) shall be described in the VPP notes.

**4.4** Tree Replacement

Where vegetation removal cannot be avoided, the NEC (in conjunction with other agencies) may require the planting of new vegetation and trees. Replanting of vegetation is critical to restoring the natural environment, buffering natural areas from the impacts of development, and in some cases, screening the visual impact of development on the Escarpment’s natural scenery. Proposed planting may be shown on a Landscape Plan or on the VPP, as needed. Tree and/or vegetation replacement requirements shall be determined in consultation with the NEC.

Where a failure to implement protective measures set out in the approved VPP results in the death of vegetation, replacement may be required using a per caliper or aggregate caliper method. Tree and/or vegetation replacement terms and conditions shall be determined in consultation with the NEC.

**5.0 SUBMISSION FORMAT**

Unless otherwise directed by NEC staff, the VPP shall include a plan drawing visually displaying the following information:

* Title block with the following drawing information:
  + Written scale (i.e., 1:200) and bar scale
  + North arrow
  + Date of original drawing, along with the dates of each revision
  + Project name, location and key map
  + Professional/company name, contact information, and qualifications
  + Comprehensive legend
* Existing and proposed buildings, structures, hard surfaces, grade changes, construction access and staging areas, fill or excavated material stockpiles, and all existing trees or vegetated areas within the area of consideration
* Development envelope (limit of work) and zone of impact boundaries, any planning constraints or setback requirements (e.g., designated Vegetation Protection Zone)
* Dripline of existing trees ≥ 150 mm DBH with identification numbers
* Dripline of existing vegetation and/or extent of vegetation units (where applicable)
* Trees or areas of vegetation to be removed and/or injured
* Tree protection fencing and vegetation protection zones
* Vegetation protection notes and details to specify best practices for the installation of tree protection fencing, vegetation removal, rehabilitation, timing of works, clean equipment protocols, certification of works, tree replacement/buffer planting/seeding, invasive species management, monitoring of tree/vegetation health, etc.
* Tree inventory table with tree identification number, species (botanical and common names), DBH, ownership (e.g., private, neighbouring, shared, municipal), condition ratings (health, structure, form), action. All condition ratings used in the assessment will be provided in a legend.

The plan drawing(s) may be accompanied by a written report where a detailed assessment has been undertaken.

A digital submission is acceptable provided that the drawing is legible when printed and/or viewed on a computer screen. A hard copy submission may be requested for review, particularly in the case of large format drawings or large drawing sets.

**6.0 REVIEW AND APPROVAL PROCESS**

An incomplete submission may delay review or decision on an application. Revisions and resubmission may be required to ensure that the appropriate criteria have been met. Other agencies may be copied on the submission where a coordinated review is required. Revisions to the site plan may be necessary depending on the significance of the impacts on existing vegetation.

The approved VPP becomes part of the final Development Permit or other approval. All work shall be installed as specified including certification of installation by a qualified professional and NEC notification. Changes require NEC approval prior to installation. Failure to implement a VPP in accordance with the approved Development Permit is a Provincial Offence and could result in fines and/or prosecution.

**7.0 TERMINOLOGY**

**Aggregate Caliper Method:** A method of determining tree replacement quantities that applies a depreciation factor for the pre-casualty health and structure of the tree(s) that have died

**Area of Consideration:** The area to be assessed in the VPP consisting of the development envelope and the zone of impact.

**Caliper:** The diameter of nursery-grown trees in accordance with the Canadian Standards for Nursery Stock. Trees less than 100mm are measured at 15 cm above grade; trees more than 100mm are measured at 30 cm above grade.

**Development Envelope:** The total area required to complete all of the proposed works including tree removal, construction staging and access routes, building, site alteration, and servicing.

**Diameter at Breast Height (DBH):** The diameter of the tree trunk measured at a height of 1.4 m above the ground (or forest duff layer) on the uphill side of the tree.

**Dripline:** The furthest horizontal extent of the branches of a tree or shrub.

**Hazard Tree:** A tree that poses a level of risk to people or property and that requires immediate removal, or other mitigating actions, to reduce the level of risk posed.

**Per Caliper Method:** A method of determining tree replacement quantities using multiple caliper-sized trees totalling the DBH of a larger tree that has died

**Vegetation Protection Zone (VPZ):** As defined in the NEP, a VPZ is a vegetated buffer area surrounding a key natural heritage or key hydrologic feature within which only those land uses permitted within the feature itself are permitted.

**Vegetation Unit:** A collection or association of plant species within a designated geographical unit which forms a relatively uniform patch, distinguishable from neighbouring patches of different vegetation types.

**Zone of Impact:** An area extending beyond the development envelope where impacts to the existing vegetation to be retained may occur. Zone size varies depending on the condition or characteristics of the vegetated area and may be determined by the qualified professional unless otherwise specified.

**APPENDIX A: POLICY CONTEXT**

Provincial Policy Statement (PPS)

The PPS (2020) directs that natural features and areas shall be protected for the long term, and that the long-term ecological function and biodiversity of the natural heritage systems should be maintained. Part 2.1 identifies that development and site alterations shall not be permitted in significant woodlands, wetlands, valleylands, wildlife habitat or Provincially Significant Areas of Natural and Scientific Interest (ANSIs), and adjacent lands, unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.

*Niagara Escarpment Planning and Development Act* (NEPDA)

The need to address protection of vegetation associated with development is inherent in the Purpose of the NEPDA (Section 2), which provides for the maintenance of the Niagara Escarpment and land in its vicinity substantially as a continuous natural environment and ensuring compatible development; and in the Objectives (Section 8) related to the protection of unique ecologic areas (8.a), maintaining and enhancing natural streams and water supplies (8.b), and maintaining and enhancing the open landscape character through compatible farming, forestry and by preserving natural scenery (8.d).

Niagara Escarpment Plan (NEP)

The NEP is premised on a landscape approach to planning which seeks to maintain a system of interconnected natural areas, features and systems. Protection and restoration of vegetation at the site level is necessary to maintain structure and function at the landscape level. The protection of natural heritage features, scenic resources and open landscape character is inherent in the designation objectives for Escarpment Natural, Escarpment Protection, and Escarpment Rural areas. These resources include the mosaic of woodlands, hedgerows, agricultural fields and natural areas that form the Escarpment landscape. Land use designations that provide for more intensive forms of development (Minor Urban Centres, Urban Areas, Recreation Areas, Mineral Resource Extraction Areas) all contain policies calling for implementation approaches that minimize the impact of growth and development, minimize impact on natural heritage features and functions, and are compatible with the scenic resources and character of these areas.

Many Development Criteria (Part 2) deal with protecting, rehabilitating, and enhancing natural heritage features and minimizing the impact of development through erosion and sediment control, avoidance of slopes and natural hazards, landform conservation and protection of scenic resources. Part 2 policies include significant restrictions on development in key hydrologic and natural heritage features and provide strong protection for Species at Risk.

**ATTACHMENT 2**

**Technical Criteria**

**for**

**Landscape Plans**

**DRAFT**

**May 19, 2021**

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1. **PURPOSE**

This document outlines landscape design standards and minimum requirements for Landscape Plan submissions.

The Niagara Escarpment Plan (NEP) [[4]](#footnote-4) provides for the development of guidance material and technical criteria to assist the Niagara Escarpment Commission (NEC) with implementing the policies of the Plan. These documents are intended to support but not add to or detract from the policies of the Plan[[5]](#footnote-5).

This version of the Technical Criteria for Landscape Plans was approved by the Niagara Escarpment Commission on DATE, YEAR. The NEC will, from time to time, update the Technical Criteria for Landscape Plans to reflect current technology, provide clarification, or refine the processes. The revision date will be noted at the beginning of the document and the most current version will be available for download from the NEC website at [www.escarpment.org](http://www.escarpment.org).

1. **BACKGROUND**

A Landscape Plan is a technical drawing that presents detailed information on proposed landscaping relevant to a development proposal. A Landscape Plan is intended to:

* Demonstrate conformity to NEP policies that protect natural heritage and scenery
* Meet the requirements of any applicable municipal by-laws or other agencies’ policies (e.g., conservation authorities)
* Implement recommendations of related studies such as a natural heritage evaluation or environmental impact study (EIS), visual impact assessment (VIA), vegetation protection plan (VPP)

The NEP and the Niagara Escarpment Planning and Development Act (NEPDA)[[6]](#footnote-6) call for the protection of natural heritage features and functions, and the conservation of landform and scenic resources. Further policy context is provided in Appendix A.

Where it has been determined that landscaping is required for mitigating visual or environmental impacts or for enhancing the natural environment, the NEC, as the implementing authority of the NEP, may require a Landscape Plan for applications such as:

* NEC Development Permit Applications - the Landscape Plan may be required prior to NEC decision on an application or as a Condition of Approval to be completed for the issuance of a permit, depending on the scale and impacts of the proposed development.
* Niagara Escarpment Plan Amendments
* Niagara Parks and Open Space System (NEPOSS) Master Plans
* Municipal approvals under the *Planning Act* or other processes (e.g., environmental assessments)
* Other applications under provincial or federal legislation (e.g., telecommunications tower) where the NEC is a commenting agency

1. **EXPERTISE**

A Landscape Plan shall be completed by a qualified professional with expertise in landscape planning and planting design. Qualified professionals include Landscape Architects (OALA), landscape designers, and Ecologists. Applicants are advised to select a professional with expertise appropriate to the scope of work.

1. **SCOPE OF WORK**

Landscaping may be required for the purposes of:

* Visual impact mitigation (e.g., screen planting)
* Environmental impact mitigation or enhancement of the natural environment (e.g., edge management, ecological restoration or rehabilitation of disturbed areas, slope/bank stabilization, reforestation)

A Landscape Plan may be required to satisfy a Condition of the Development Permit. In this situation, the scope of the Landscape Plan shall be consistent with the terms and conditions of the permit. In other cases, a Landscape Plan may be requested earlier in the application process as a component of or subsequent to other technical studies such as a natural heritage evaluation or environmental impact study (EIS), visual impact assessment (VIA), vegetation protection plan (VPP). In these situations, the Landscape Plan shall be consistent with study recommendations regarding impact mitigation. Where a municipality or conservation authority has identified specific landscaping objectives, the Landscape Plan shall also address these requirements.

Consultation with NEC staff is encouraged prior to undertaking a Landscape Plan. The level of detail required on a Landscape Plan varies from basic to complex depending on the extent of the proposed development and objectives for the landscaping. For most applications, a basic Landscape Plan that includes planting layout and a plant list will suffice. In some cases, this information may be indicated on the final Site Plan.

For more complex applications, the Landscape Plan may require a series of detailed landscape construction drawings including specifications for site preparation, erosion and sediment control, vegetation protection, invasive species management, construction staging, planting, surfacing, lighting, furnishings, fencing, retaining walls, decks, lookouts, pools, tennis courts, signage, and monitoring and management plans.

**5.0 LANDSCAPE DESIGN STANDARDS**

This section outlines minimum standards that apply to proposed landscaping works. Applicants are encouraged to consult with NEC staff prior to submitting a Landscape Plan to ensure that the appropriate standards are applied.

* All proposed tree and shrub species shall be native to Ontario and representative of natural plant associations and plant community structure, subject to plant hardiness and availability, and resistant to pests.
* All trees and shrubs shall be nursery grown and meet the current standards set out by the Canadian Nursery Landscape Association: Canadian Standards for Nursery Stock. Field or bush dug material will not be accepted.
* Planting proposed for visual screening purposes is subject to direction by NEC staff and should be informed by the findings of a visual impact assessment (VIA), where applicable. Unless otherwise directed, plant selection shall include large trees, sized and spaced as follows:
  + Large deciduous trees: caliper size of 50 mm min., spaced 5 m on-centre
  + Tall coniferous trees: height of 1800mm min., spaced 3 m on-centre
* All other planting is subject to site conditions and restoration, rehabilitation, or reforestation objectives as outlined by technical studies, agency requirements, or restoration orders, where applicable. Unless otherwise directed, planting approaches may include clustering whips at 1.2-1.8 m apart within planting nodes that are less than 6 m apart or scattering trees at 2.5-3.0 m apart. Shrubs may be planted at 0.75-1.5 m apart.
* For the purposes of rehabilitation, areas between woody plantings shall be seeded and stabilized with native groundcover.
* All seed mixes should be locally native and well-suited for site conditions. Seeding of cover crops is encouraged where soil stabilization is required. Allelopathic or invasive cover crops will not be accepted in or adjacent to environmentally sensitive areas.
* Impervious surfaces (e.g., asphalt, concrete) can increase the volume and speed of stormwater runoff and limit natural infiltration. The use of impervious surfaces should be minimized, wherever possible.
* Exterior lighting on structures and other outdoor lighting should be downward-directed and shielded. Outdoor lighting that is improperly shielded allows light to shine into the eyes (glare), the night sky (skyglow), and into surrounding natural areas (light spill or trespass) resulting in a negative impact on the Escarpment’s scenic resources and natural environment. Professional expertise in lighting design may be required for more complex applications.

**6.0 SUBMISSION FORMAT**

The submission format will vary based on the complexity of the proposed works. Applicants are encouraged to consult with NEC staff prior to submitting a Landscape Plan to ensure that sufficient information is provided.

Unless otherwise directed by NEC staff, the Landscape Plan shall include, but not be limited to, the following:

* Title block with the following drawing information:
  + Written scale (i.e., 1:200) and bar scale
  + North arrow
  + Dates of the original drawing and any subsequent revisions
  + Project name, location and key map
  + Professional/company name, contact information, and qualifications
  + Comprehensive legend
* Proposed planting overlaid on a detailed Site Plan, labelled with species and quantities
* Plant list indicating the following information for each species proposed:
  + Botanical and common name
  + Quantity
  + Size (e.g., caliper of deciduous trees, height of coniferous trees, height or pot size of shrubs)
  + Condition (e.g., pot, balled and burlapped, wire basket, tree spade, bare root)
* Planting notes and details to specify correct planting installation; season, duration, and timing of proposed works; maintenance; replacement of dead or diseased plant material, and warranty – in some cases, a plan for monitoring and management may be required
* Seeding notes and details including seeding area, species, nurse crop, distribution method, application rate, and site preparation
* Layout, notes, and details may also be required for vegetation protection and erosion control measures, construction staging, lighting and furnishings, hard surfaces and retaining walls, fences and other landscape structures, and/or signage

A digital submission is acceptable provided that the drawing is legible when printed and/or viewed on a computer screen. A hard copy submission may be requested for review, particularly in the case of large format drawings or large drawing sets.

**7.0 REVIEW AND APPROVAL PROCESS**

An incomplete submission may delay review or decision on an application. Revisions and resubmission may be required to ensure that the appropriate criteria have been met. Other agencies may be copied on the submission where a coordinated review is required.

The approved Landscape Plan becomes part of the final Development Permit or other approval. All work shall be installed as specified including replacement of plant material, certification of completed works by a qualified professional, and NEC notification. Unless otherwise specified, planting and rehabilitation of all disturbed areas shall be completed by the end of the first growing season following the completion of site servicing, grading, and building construction; and all plant material shall be guaranteed for a minimum of 24 months following installation. Failure to implement a Landscape Plan in accordance with the Development Permit is a Provincial offence and could result in fines and/or prosecution.

**8.0 TERMINOLOGY**

**Caliper:** The diameter of nursery-grown trees in accordance with the Canadian Standards for Nursery Stock. Trees less than 100mm are measured at 15 cm above grade; trees more than 100mm are measured at 30 cm above grade.

**Development Envelope:** The total area required to complete all of the proposed works including tree removal, construction staging and access routes, building, site alteration, and servicing.

**Invasive Plant Species**: Harmful, non-native trees, shrubs, and herbaceous plants that invade natural ecosystems and pose a threat to native vegetation and wildlife. Resources are available through the Ontario Invasive Plant Council at [www.ontarioinvasiveplants.ca](http://www.ontarioinvasiveplants.ca), the Ministry of Natural Resources and Forestry at [www.ontario.ca/page/invasive-species-ontario](http://www.ontario.ca/page/invasive-species-ontario) and through local conservation authorities.

**Native Plant:** A plant that existed in an area for millenia and evolved in the presence of native soils and climate, forming part of a naturally-occurring plant community. Resources may be available through local conservation authorities.

**Site Plan:** A scaled drawing showing the existing conditions and proposed development overlaid on a survey plan or a recent air photo including property boundary, development envelope/limit of work, vegetation, structures, driveways, utilities, septic system, well, vegetation protection and erosion control measures.

**APPENDIX A: POLICY CONTEXT**

Provincial Policy Statement (PPS)

The PPS (2020) directs that natural features and areas shall be protected for the long term, and that the long-term ecological function and biodiversity of the natural heritage systems should be maintained. Part 2.1 identifies that development and site alterations shall not be permitted in significant woodlands, wetlands, valleylands, wildlife habitat or Provincially Significant Areas of Natural and Scientific Interest (ANSIs), and adjacent lands, unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.

Niagara Escarpment Planning and Development Act (NEPDA)

The need to minimize or avoid impact of development is inherent in the NEPDA, including in the Act’s purpose (section 2) of providing for the maintenance of the Niagara Escarpment and land in its vicinity substantially as a continuous natural environment and ensuring compatible development; and in the Objectives (section 8 – which are also the objectives of the NEP), specifically those related to protection of unique ecologic areas (8.a); maintaining and enhancing natural streams and water supplies (8.b); and maintaining and enhancing the open landscape character through compatible farming, forestry and by preserving natural scenery (8.d).

Niagara Escarpment Plan (NEP)

In addition to the Plan Purpose and Objectives, the land use designations and permitted uses contained in Part 1 of the NEP identify the types of development that may be permitted. The Development Criteria contained in Part 2 of the NEP set out how development should be implemented. Part 2.13 contains policies to ensure that planning, design and construction practices protect landforms and are compatible with natural scenery and the open landscape character. These Development Criteria also deal with new planting of native species for screening, grading, use of excavated materials on site, the need to minimize contour changes and providing a proper grading/drainage plan where necessary to address proposed grading and use of fill material.

Many other Development Criteria deal with matters that could be included within the scope of a Landscape Plan including: protection of natural heritage features; minimizing impact and disturbance; providing for site stabilization (during and after construction); and, establishment/maintenance of buffers and setbacks which may be required to protect natural features.

1. Niagara Escarpment Plan (2017); Ontario; Order in Council No. 1026/2017; Office Consolidation December 21, 2018. Available for download at [www.escarpment.org](http://www.escarpment.org). [↑](#footnote-ref-1)
2. Ibid, page 11. [↑](#footnote-ref-2)
3. Niagara Escarpment Planning and Development Act; R.S.O. 1990, c. N.2. Available for download at [www.ontario.ca/laws/statute/90n02](http://www.ontario.ca/laws/statute/90n02). [↑](#footnote-ref-3)
4. Niagara Escarpment Plan (2017); Ontario; Order in Council No. 1026/2017; Office Consolidation December 21, 2018. Available for download at [www.escarpment.org](http://www.escarpment.org). [↑](#footnote-ref-4)
5. Ibid, page 11. [↑](#footnote-ref-5)
6. Niagara Escarpment Planning and Development Act; R.S.O. 1990, c. N.2. Available for download at [www.ontario.ca/laws/statute/90n02](http://www.ontario.ca/laws/statute/90n02). [↑](#footnote-ref-6)